

REMARKS/ARGUMENTS

This is responsive to the final Office Action dated September 27, 2006.

Primarily, it is noted that the Office Action indicates that claims 5, 11, 12, 20, 26, 27, 35, 40 and 41 are directed to patentable subject matter and are allowable. These claims have accordingly been amended in independent form, such that they are condition to be formerly allowed, including their dependent claims.

The remaining claims still stand rejection over the same prior, with the Examiner contending that the specification at page 23, lines 5-9 allows for a “range” on temperature and therefore since the prior art provides for the measurements being taken over the range of approximately 20°C, the instant claims still read on the prior art.

However, careful scrutinization of page 23, lines 5-9 show that the applicant refers to a “stationary” temperature, which is defined as changing by less than 1°C. There is a world of difference between defining “stationary” as being limited to less than 1°C the prior art where the temperature varies by 20°C. In the physical world, there is no such thing as a straight line because under a microscope a straight line might show minor deviations. But in the real world a “straight line” is defined in practical terms. Here too, stationary has been defined in the still rejected claims as referring to a temperature that is highly stable, in that it varies by less than 1°C. The prior art does not describe a method where the temperature remains “stationary” and therefore the remaining still rejected claims should be added to the list of allowable claims.

The applicant’s undersigned attorney reached the Examiner on December 27, 2006. The Examiner stated that he will contact applicant’s attorney before issuing any further action.

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Respectfully submitted,

A handwritten signature in black ink that reads "Max Moskowitz". The signature is written in a cursive, flowing style.

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